

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY FORD,

Plaintiff,

No. 2:20-cv-2087-EFB P

V.

GAVIN NEWSOM, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He requests a 60-day extension of time to file a fourth amended complaint in accordance with the court's April 26, 2020 order. He also requests appointment of counsel.

Plaintiff's request for an extension of time (ECF No. 20) is granted and he has 60 days from the date this order is served to file an amended complaint. Plaintiff is cautioned that the amended complaint need not be overly detailed. Instead, plaintiff need only submit a short and plain statement of the facts giving rise to his claims. Plaintiff must clearly identify each defendant, state what each defendant did to violate his rights, and include a request for relief. The complaint should not contain legal citations and does not need to include any other documents, exhibits or other forms of evidence. To assist plaintiff, the Clerk of the Court shall send to him a form complaint for use by prisoners in § 1983 actions.

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1 Plaintiff's request for counsel (ECF No. 20) is denied. District courts lack authority to
2 require counsel to represent indigent prisoners in section 1983 cases. *Mallard v. United States*
3 *Dist. Court*, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request an
4 attorney to voluntarily to represent such a plaintiff. See 28 U.S.C. § 1915(e)(1); *Terrell v.*
5 *Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wood v. Housewright*, 900 F.2d 1332, 1335-36 (9th
6 Cir. 1990). When determining whether "exceptional circumstances" exist, the court must
7 consider the likelihood of success on the merits as well as the ability of the plaintiff to articulate
8 his claims pro se in light of the complexity of the legal issues involved. *Palmer v. Valdez*, 560
9 F.3d 965, 970 (9th Cir. 2009). Having considered those factors, the court finds there are no
10 exceptional circumstances in this case.

11 So ordered.

12 Dated: May 11, 2021.



13 EDMUND F. BRENNAN
14 UNITED STATES MAGISTRATE JUDGE
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